

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Application of Pacific Gas and Electric Company (U 39-E) for Adoption of its 2006 Energy Resource Recovery Account (ERRA) Forecast Revenue Requirement and for Approval of Its 2006 Ongoing Competition Transition Charge Revenue Requirement and Rates.

Application 05-06-007  
(Filed June 1, 2005)

**ADMINISTRATIVE LAW JUDGE'S RULING  
GRANTING MOTION TO FILE DOCUMENTS UNDER SEAL**

On October 14, 2005, Pacific Gas and Electric Company (PG&E) submitted a motion to file under seal certain parts of its concurrently filed third supplement to Application (A.) 05-06-007. PG&E states that the portions of the supplement that it seeks to place under seal contain commercially sensitive, confidential, and proprietary information about (1) PG&E's retained generation, (2) energy under PG&E contracts, and (3) PG&E's management of surplus energy, acquisition of power to meet the residual net short, and hedging. PG&E asserts that public disclosure of this information would enable other energy market participants to take advantage of PG&E as it seeks to acquire energy resources and dispose of long positions, thereby undermining PG&E's ability to achieve least-cost management of its electric energy portfolio.

PG&E claims that the information it seeks to place under seal is similar to the information that has been protected in the generation procurement rulemaking (R.01-10-024, superseded by R.04-04-003), and in PG&E's 2003, 2004, and 2005 ERRA proceedings (A.03-02-002, A.03-08-004, and A.04-06-003,

respectively). PG&E also asserts that the Commission previously recognized the importance of keeping information about PG&E's electric procurement strategy out of the public domain. Specifically, Decision (D.) 02-10-062, as modified by D.02-12-074, requires utilities to ensure that former utility employees do not misuse confidential procurement information acquired during employment with the utility. PG&E claims that the information it seeks to place under seal is similar to the information that the Commission sought to protect from disclosure by utility employees.

There was no response to PG&E's motion.

PG&E had shown good cause to file under seal the information identified in its motion. Accordingly, PG&E's motion is granted.

**IT IS RULED** that:

1. Pacific Gas and Electric Company's (PG&E) motion filed on October 14, 2005, to place under seal certain parts of its concurrently filed third supplement to Application 05-06-007 is granted.
2. The information placed under seal pursuant to this Ruling shall remain under seal for a two-year period from the date of this Ruling. During this period, this information shall not be made accessible or disclosed to anyone other than Commission staff except on the further order or ruling of the Commission, the Assigned Commissioner, the assigned Administrative Law Judge (ALJ), or the ALJ then designated as Law and Motion Judge.

3. If PG&E believes that further protection of the information placed under seal by this Ruling is needed after two years, PG&E may file a motion stating the justification for further withholding the material from public inspection or for such other relief as the Commission Rules may then provide. This motion shall be filed no later than 45 days before the expiration of this Ruling.

Dated November 15, 2005, at San Francisco, California.

/s/ TIMOTHY KENNEY

Timothy Kenney  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Granting Motion to File Documents Under Seal on all parties of record in this proceeding or their attorneys of record.

Dated November 15, 2005, at San Francisco, California.

\_\_\_\_\_/s/ ELVIRA NIZ

Elvira Niz

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.